



## **REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has rejected claims 1, 3, 4-5 and 8 as being unpatentable over Japanese Patent No. JP4704046212 in view of U.S. Patent No. 4,792,357 to *Bier*.

In addition the Examiner has rejected claims 9-12 under 35 U.S.C. 103(a) as being anticipated by Japanese Patent No. JP4704046212 (hereinafter the '212 patent) in view of U.S. Patent No. 4,792,357 to *Bier* (*hereinafter the '357 patent*).

In addition the Examiner has withdrawn claims 2, 6-7 and 13-17. Claims 2 and 7 have been canceled while claim 6 has been amended to claim priority from claim 1.

In response, claim 1 has been amended to further distinguish claim 1 from the above cited references. First, it is respectfully submitted that the teachings of the above cited '212 patent and the teachings of the '347 patent would only be combined using impermissible hindsight. This is because there is no teaching or suggestion to combine the above references into the present invention as claimed in claim 1.

In addition, sodium alginate is better known as a food additive, not as a binder for use in clay. Therefore, it is respectfully submitted that it would not be obvious to add sodium alginate to a clay solution. In addition, claim 1 has been amended to state that the sodium alginate comprises not more than 2% wt% of the liquid clay solution.

This composition level is in direct contrast to that which is disclosed in the '357 patent which discloses that the alginates should comprise at least 3% wt% as disclosed in column 4 lines 40-42. Since it is believed that claim 1 is patentable, it is respectfully submitted that the remaining claims 3-6, 8-11 which depend from claim 1 are patentable as well.

Claims 13, 14, 15, and 17 have been amended while claim 16 has been canceled without prejudice. It is respectfully submitted that these claims are patentable over the above cited references taken either singularly or in combination. Therefore, early allowance of the remaining claims is respectfully requested.

It is believed that no fee is due, however the commissioner is hereby authorized to charge Collard & Roe, P.C.'s deposit account of 03-2468 for any necessary fee or to credit any overpayment.

No new matter has been introduced. Entry of this amendment is respectfully requested.

Respectfully submitted,  
Kikue HAYASHIHARA ET AL-1 PCT

/William Collard/

William C. Collard, Reg. No. 38,411  
Attorney for Applicants

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802  
WCC:ea

Filed 8-18-08.

amend.doc